UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,949	12/15/2003	Nicholas John Walker	MAE-MT-1	3712

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Michael A. Ervin
8202 Talbot Cove
Austin, TX 78746

EXAMINER
MADAMBA, GLENFORD J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/735,949	WALKER, NICHOLAS JOHN
	Examiner	Art Unit
	Glenford Madamba	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 December 2003*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *15 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12/15/03*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogue,

U.S. Patent US 6,112,240 in view of Lorenz, U.S. Patent Publication US 2002/0078191

A1.

As per claims 1 and 9, Pogue in view of Lorenz discloses a method of tracking,

correlating, and analyzing the e-mail and internet activities of an Internet visitor,

comprising:

adding a tag (tracker tag) to a document to create a tracker-enabled document

(e.g. web page) [Abstract] [Fig. 4] [col 2, L12-25];

providing said tracker-enabled document to said visitor on world wide web [Figs.

3-5]; and

capturing an e-mail address from said visitor.

While Pogue discloses substantial features of the invention, such as a tracker tag (IMG tag) and program for obtaining 'client information' (e.g., browser type/version, client computer type, OS of computer), storing the information in a database, and transmitting a cookie to the browser, he does not expressly disclose the added feature of capturing an email address from said visitor obtained as part of the client information. The feature is disclosed by Lorenz in a related endeavor.

Lorenz discloses as his invention a system that tracks interactions of a user with Web resources and user navigation from one Web resource or host to another in a Web session. In one embodiment, an object of the invention is to do so without relying on cookies [Abstract][0014]. Specifically, Lorenz explicitly discloses the well-known methodology of using "cookies" for tracking and correlating HTTP transactions [0009]. He additionally discloses an embodiment wherein a cookie may contain the actual email address of a web site visitor (e.g., "jdoe@MSN.com") to positively identify the user [0010].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Pogue's invention with the added feature of capturing an email address from said visitor, as disclosed by Lorenz, for the motivation of tracking user interactions with resources over networks, such as interactions of a user at a PC with Web resources over the Internet [Abstract] [0014].

Claim 9 is likewise rejected on the same basis as claim 1 since they recite

identical features and are distinguished only by statutory category.

As per claims 2 and 10, Pogue in view of Lorenz discloses the method of claim 1

wherein said tracker-enabled document is an HTML rendered e-mail comprising:

an embedded HTML tag (i.e., HTML IMG tag) with e-mail address of said visitor;

and

said capturing of an e-mail address comprises:

when said e-mail is opened or the focus of a browser e-mail is set [col 6, L46 –

col 7, L15] [Fig. 6];

storing said visitor's e-mail address in a cookie [col 6, L46 – col 7, L15] [Fig. 6];

adding a unique identifier to said cookie [col 6, L46 – col 7, L15] [Fig. 6]; and

embedding said cookie in visitor's HTML rendering component [col 6, L46 – col 7,

L15] [Fig. 6] [col 6, L1-4].

While Pogue discloses substantial features of the invention, as above, and in

particular a tracker tag (IMG tag) and program for obtaining 'client information' (e.g.,

browser type/version, client computer type, OS of computer), storing the information in a

database, and transmitting a cookie to the browser, he does not expressly disclose the

added feature of capturing an email address from said visitor obtained as part of the

client information. . The feature is disclosed by Lorenz in a related endeavor.

Lorenz discloses as his invention a system that tracks interactions of a user with Web resources and user navigation from one Web resource or host to another in a Web session. In one embodiment, an object of the invention is to do so without relying on cookies [Abstract][0014]. Specifically, Lorenz explicitly discloses the well-known methodology of using "cookies" for tracking and correlating HTTP transactions [0009]. He additionally discloses an embodiment wherein a cookie may contain the actual email address of a web site visitor (e.g., "jdoe@MSN.com") to positively identify the user [0010].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Pogue's invention with the added feature of capturing an email address from said visitor, as disclosed by Lorenz, for the motivation of tracking user interactions with resources over networks, such as interactions of a user at a PC with Web resources over the Internet [Abstract] [0014].

Claim 10 is likewise rejected on the same basis as claim 2 since they recite identical features and are distinguished only by statutory category.

As per claims 3 and 11, Pogue in view of Lorenz discloses the method of claim 1

wherein said tracker-enabled document contains an on-line form for said visitor to enter

an e-mail address in a required field and said capturing of an e-mail address comprises:

when e-mail address is entered;

storing said e-mail address in a cookie [col 6, L46 – col 7, L15] [Fig. 6];

adding a unique identifier to said cookie [col 6, L46 – col 7, L15] [Fig. 6]; and

embedding said cookie in visitor's HTML rendering component [col 6, L46 – col 7,

L15] [Fig. 6] [col 6, L1-4].

While Pogue discloses substantial features of the invention, as above, and in

particular a tracker tag (IMG tag) and program for obtaining 'client information' (e.g.,

browser type/version, client computer type, OS of computer), storing the information in a

database, and transmitting a cookie to the browser, he does not expressly disclose the

added feature of capturing an email address from said visitor obtained as part of the

client information. . The feature is disclosed by Lorenz in a related endeavor.

Lorenz discloses as his invention a system that tracks interactions of a user with

Web resources and user navigation from one Web resource or host to another in a

Web session. In one embodiment, an object of the invention is to do so without relying

on cookies [Abstract][0014]. Specifically, Lorenz explicitly discloses the well-known

methodology of using "cookies" for tracking and correlating HTTP transactions [0009].

He additionally discloses an embodiment wherein a cookie may contain the actual

email address of a web site visitor (e.g., "jdoe@MSN.com") to positively identify the

user [0010].

It would thus be obvious to one of ordinary skill in the art at the time of the

invention to combine and/or modify Pogue's invention with the added feature of

capturing an email address from said visitor, as disclosed by Lorenz, for the motivation

of tracking user interactions with resources over networks, such as interactions of a

user at a PC with Web resources over the Internet [Abstract] [0014].

Claim 11 is likewise rejected on the same basis as claim 3 since they recite identical

features and are distinguished only by statutory category.

As per claims 4 and 12, Pogue in view of Lorenz discloses the method of claim 1

wherein said tracker-enabled document contains an on-line form for visitor to enter a

visitor name and a password and said capturing of an e-mail address comprises:

when visitor name is entered;

capturing a previously stored e-mail address for that visitor name;

storing said previously stored e-mail address in a cookie [col 6, L46 – col 7, L15]

[Fig. 6];

adding a unique identifier to said cookie [col 6, L46 – col 7, L15] [Fig. 6]; and

embedding said cookie in visitor's HTML rendering component [col 6, L46 – col 7,

L15] [Fig. 6] [col 6, L1-4].

While Pogue discloses substantial features of the invention, as above, and in

particular a tracker tag (IMG tag) and program for obtaining 'client information' (e.g.,

browser type/version, client computer type, OS of computer), storing the information in a

database, and transmitting a cookie to the browser, he does not expressly disclose the

added feature of capturing a previously stored email address from said visitor when the

visitor name is entered. The feature is disclosed by Lorenz in a related endeavor.

Lorenz discloses as his invention a system that tracks interactions of a user with

Web resources and user navigation from one Web resource or host to another in a

Web session. In one embodiment, an object of the invention is to do so without relying

on cookies [Abstract][0014]. Specifically, Lorenz explicitly discloses the well-known

methodology of using "cookies" for tracking and correlating HTTP transactions [0009].

He additionally discloses an embodiment wherein a cookie may contain the actual

email address of a web site visitor (e.g., "jdoe@MSN.com") to positively identify the

user (e.g. "USER 123") [0010].

It would thus be obvious to one of ordinary skill in the art at the time of the

invention to combine and/or modify Pogue's invention with the added feature of

capturing a previously stored email address from said visitor when the visitor name is

entered, as disclosed by Lorenz, for the motivation of tracking user interactions with resources over networks, such as interactions of a user at a PC with Web resources over the Internet [Abstract] [0014].

Claim 12 is likewise rejected on the same basis as claim 4 since they recite identical features and are distinguished only by statutory category.

As per claims 5 and 13, Pogue (in view of Lorenz) discloses the method of claim 1 wherein said tracker-enabled document is a web page and comprises:

an embedded JavaScript (e.g., Java applet) [col 2, L37-48] or HTML tag (e.g., HTML IMG tag) [col 4, L26-27]that references a URL on a service provider server and enables document to gather visitor information about document's usage and initiates a session that service provider monitors [Abstract] [col 4 L45-60].

Claim 13 is likewise rejected on the same basis as claim 5 since they recite identical features and are distinguished only by statutory category.

As per claim 6, Pogue (in view of Lorenz) discloses the method of claim 5 further comprising:

storing obtained visitor information in a database on a service provider server

(610) [Fig. 6] [col 4 L45-60].

As per claim 7, Pogue (in view of Lorenz) discloses the method of claim 5 further

comprising:

adding said information about documents usage into service provider cookie for

return to visitor browser.

As per claims 8 and 15, Pogue (in view of Lorenz) discloses the method of claim 5

wherein a web site owner accesses an account on a service provider server and obtains

a report on visitor's activities (Netscape) [Figs 6 & 7] [col 4 L45-67].

Claim 15 is likewise rejected on the same basis as claim 8 since they recite

identical features and are distinguished only by statutory category.

As per claim 14, Pogue (in view of Lorenz) discloses the software program product of

claim 9 wherein said program of computer readable instructions executable by the

computer system to perform the method steps further comprise; storing obtained visitor

information in a database on a service provider server. adding said information about

documents usage into service provider cookie for return to visitor browser.

Claim 14 is likewise rejected on the same basis as claims 6 and 7 since the claim

recites identical features of claims 6 and 7 combined, and are distinguished only by

statutory category.

Conclusion

1. The Examiner has cited particular columns and line numbers in the references

applied to the claims above for the convenience of the applicant. Although the specified

citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It

is respectfully requested from the applicant in preparing responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

- Dharmarajan   US Patent Pub #   US 2006/0130132 A1

- Conley, Jr et al   US Patent #   US 6434745

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151

KHANH DINH
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100